

Brian W. Steffensen, 3092
STEFFENSEN ❖ LAW ❖ OFFICE
448 East 400 South, Suite 100
Salt Lake City, Utah 84111
Telephone (801) 485-3707
Facsimile (801) 485-7140
Attorneys for Plaintiffs

IN THE THIRD DISTRICT COURT
IN AND FOR THE STATE OF UTAH, SALT LAKE DEPARTMENT

| | |
|--|---|
| <p>Bryan Toone and JoLynne Toone</p> <p>v.</p> <p>Wells Fargo Bank. NA; Premier Mortgage Corp. Of America; Accubank Mortgage Corporation dba Accumortgage Corporation; Norwest Mortgage, Inc.; LaSalle Bank N.A., as Trustee; Bank of America, NA; eTitle Insurance Agency; Lundberg & Associates; Kent W. Plott; Mark S. Middlemas; Does 1-50</p> | <p>MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO RECONSIDER DECISION</p> <p>Civil No. Case No. 2:11-CV-170-TS</p> <p>Judge Ted Stewart</p> |
|--|---|

Pursuant to Rule 15(a), Fed.R.Civ.P., plaintiffs' Bryne Toone and JoLynne Toone respectfully move this court for an order allowing it to filed the attached Amended Complaint, and to reconsider its September 27, 2011 decision dismissing plaintiff complaint, for the reasons that plaintiffs possess facts sufficient to state a cause of action against defendants for declaratory

judgment, common law fraud, breach of contract, breach of fiduciary duty, and violation of RESPA; and, amendment would not be futile. A supporting memorandum is filed herewith.

Dated this 17th day of October, 2011.

STEFFENSEN ❖ LAW ❖ OFFICE

/s/ Brian W. Steffensen

Brian W. Steffensen